



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD
1099 14th STREET NW
WASHINGTON DC 20570

May 7, 2012

Re: The Vintage Club
Case 21-RC-073752

ORDER

The Employer has filed a Request for Special Permission to Appeal and Appeal from Regional Director's Order Denying Employer's Motion to Dismiss Petition [Objections]. The Employer asserts that the Petitioner missed its deadline for filing election objections because the Petitioner's objections faxed to the Region on the March 16, 2011 due date were not printed by the Region's fax machine until March 20, 2011, when the toner cartridge that was empty on March 16 was replaced. There is no dispute that the Petitioner's election objections were received by the Region at 2:51 p.m. on March 16, and that the Petitioner had no reason to know that the Region's fax machine was out of toner. Because the Petitioner's election objections were in fact received by the Region on the due date, the objections were timely filed under Sections 102.69(a) and 102.114(f) of the Board's Rules and Regulations. Accordingly, the Employer's Appeal from the Regional Director's Order is denied. By direction of the Board:

Gary Shinnars
Deputy Executive Secretary